



VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
SPECIAL MEETING AGENDA

81 Main Street  
Essex Junction, VT 05452  
Tuesday, July 23, 2019  
7:00 PM (or immediately  
following Village Trustees Meeting)

E-mail: [manager@essex.org](mailto:manager@essex.org)

[www.essexjunction.org](http://www.essexjunction.org)  
[www.essex.org](http://www.essex.org)

Phone: (802) 878-1341

The Selectboard and Trustees meet together to discuss and act on joint business. Each board votes separately on action items.

1. **CALL TO ORDER** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
  - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
  - a. Discussion of proposed changes to Dog Licensing and Control Ordinance—Chief Garey
  - b. Discussion of funding sources for budgeted EJRP non-resident fee revenue—Sarah Macy
  - c. Adopt tax rates for FY20 (Village of Essex Junction)—Sarah Macy
  - d. Adopt tax rates for FY20 (Town of Essex)—Sarah Macy
  - e. Update from Governance Subcommittee—George Tyler
6. **READING FILE**
  - a. Board Member Comments
  - b. Presentation of Essex Police Recruitment video—Chief Garey
  - c. Governance Change (Merger) Vote 2020—Project Timeline
  - d. Definitions for common language of consolidation
  - e. Memo from Ann Janda re: Summary of Strategic Advance—Broad Themes
  - f. Discussion of revised schedule for board meetings—Greg Duggan
  - g. KSV presentation of July 2019 Essex Resident Survey Findings
7. **EXECUTIVE SESSION**
  - a. An executive session is not anticipated
8. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair or President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341.

Certification: \_\_\_\_\_ 07/19/2019 \_\_\_\_\_ *J. Mitchell*

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**VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
DRAFT SPECIAL MEETING MINUTES  
Monday, July 23, 2019**

**SELECTBOARD:** Elaine Haney, Chair; Max Levy; Andrew Watts; Annie Cooper; Patrick Murray

**TRUSTEES:** Andrew Brown, President; George Tyler; Dan Kerin; Amber Thibeault; Raj Chawla

**ADMINISTRATION and STAFF:** Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Sarah Macy, Finance Director/ Assistant Manager; Rick Garey, Chief of Police

**OTHERS PRESENT:** Holly Anagous; Joe Breuer; Maxine Breuer; Ron Clarke; Tamara Clarke; Diane Clemens; Gail Cummings; Sandra Farrell; Colin Flanders; Bruce Griffin; Connie McDonald; Lindsey Mucia; Melanie Needle, CCRPC Senior Planner; Bruce Post; Mary Post; Sarah Quinn; Susan Robinson; Margaret Smith; Mitch Stern; Gene White Jr.; Irene Wrenner

**1. CALL TO ORDER**

Andrew Brown called the Village of Essex Junction Trustees back to order from their recess, and Elaine Haney called the Town of Essex Selectboard to order. They entered into the Special Joint Meeting of the Village of Essex Junction Trustees and the Town of Essex Selectboard at 7:15 PM.

Ms. Haney invited all in attendance to join in a moment of silence for the passing of former Town of Essex Selectboard member Dave Rogerson who passed away Sunday, July 21, 2019.

**2. AGENDA ADDITIONS/ CHANGES**

Mr. Duggan submitted three documents, of comments from Subcommittee members reacting to the initial governance survey, to the agenda for item 5E.

**3. AGENDA APPROVAL**

**MAX LEVY made a motion, and PATRICK MURRAY seconded, that the Selectboard approve the agenda as amended. The motion passed 5-0.**

**DAN KERIN made a motion, and GEORGE TYLER seconded, that the Trustees approve the agenda as amended. The motion passed 5-0.**

**4. PUBLIC TO BE HEARD**

**a. Comments from Public on Items Not on Agenda**

There were no comments from the public.

**5. BUSINESS ITEMS**

**a. Discussion of proposed changes to Dog Licensing and Control Ordinance—Chief Garey**

Chief Garey introduced the Town and Village dog ordinance alignment strategy and its proposed changes. He pointed out that the ordinance would set new guidelines for dog owners if their dog is a victim of a dog-on-dog attack, so individuals may file a complaint and

50 present evidence to determine consequences through the municipalities. Currently, this can  
51 only take place when a dog bites a person and breaks the skin. Other potential changes to the  
52 ordinance include closing loopholes related to falsifying dog records, barking dog violations,  
53 and proof of rabies vaccinations and contact information for dogs not licensed in Essex. Chief  
54 Garey described an increase of dog attacks on other dogs in the municipalities and suspects  
55 this may be due to an increased number of dogs being adopted who are “rescue animals.”  
56 Mr. Teich and Chief Garey updated the board members that the animal control officer position  
57 is changing to be a retired police officer with animal control as their sole responsibility. They  
58 anticipate that this change will have a positive impact on the issues. Chief Garey noted that,  
59 with the ordinance change, the Trustees will need to decide if they want to conduct vicious  
60 dog hearings or let these continue to be conducted by the Selectboard. He said that the Town  
61 attorney is being consulted on this matter. Mr. Watts discussed with Mr. Tyler and Mr. Brown  
62 that, once council has weighed in, maybe there should be only one ordinance.  
63

64 Mr. Brown proposed a revision to section 4.04.080D to remove the words “running at large” in  
65 in order to clarify that if the behaviors described in this section take place on a leash or off a  
66 leash, the dog may still be considered “potentially vicious.” He also suggested changing or  
67 defining “domestic pet” under 4.04.040 so it is clear and consistent with the rest of the  
68 document. Ms. Haney suggested, in this same section, changing the “legislative body”  
69 reference to more clearly describe the municipalities’ governance structures. Mr. Watts  
70 clarified that the language of 4.04.040E refers to the fact that a vicious dog hearing must be  
71 held within 7 days of a request.  
72

73 Mr. Murray, Ms. Haney, Mr. Chawla and Mr. Watts discussed the subjective nature of the  
74 definition of “potentially vicious dog.” They talked about how people’s perceptions of dog  
75 behaviors can vary and what is considered to be a threat to one person may not be a threat to  
76 someone else. Mr. Watts pointed out that the definition of “vicious dog” is in state statute, but  
77 “potentially vicious” is not. Mr. Murray expressed concern with the words “menacing manner”  
78 and “threatens” in section 4.04.010D. Chief Garey pointed out that when a hearing is held, the  
79 Selectboard would decide whether a dog’s behavior is threatening. The board members  
80 discussed the risks, challenges and benefits related to the “running at large exemptions” in  
81 4.04.080B. They discussed anecdotal experiences of people not keeping dogs under voice  
82 control who are allowed off-leash in these areas. They described dogs that appear  
83 threatening to other dogs or people. Mr. Murray suggested further discussion of whether dogs  
84 should be allowed off-leash in these areas. Mr. Chawla cautioned board members to not  
85 revoke privileges across the board but consider things like time of day for off-leashing in  
86 certain parks.  
87

88 The board members discussed the need for more community awareness about the ordinance  
89 and opportunities for dogs in Essex. Ms. Cooper, Mr. Tyler, Mr. Kerin and Mr. Chawla  
90 suggested that when a dog is registered the dog owner should receive a welcome pamphlet  
91 that discusses things like where to find and review the ordinance, a list of the local dog parks,  
92 and where to get free waste bags. Mr. Kerin pointed out that the limitation of this strategy is  
93 not reaching people who are visiting Essex with their dogs. Mr. Chawla suggested better  
94 signage at the dog parks about waste and dog behavior could also be helpful.  
95

- 96 Ms. Haney opened the floor to comments from the public, limiting each to 2 minutes.  
97
- 98 • **Susan Robinson** was encouraged by the ordinance changes. She described an incident  
99 on Park street, where she was walking her dog. Another dog ran out of a house, attacked  
100 her dog and killed it. She described the tragic nature of this incident and stressed that she  
101 believes this is more common in Essex than people think.
  - 102 • **Sarah Quinn** described herself as a professional dog person, behaviorist and trainer who  
103 has consulted on dangerous dog legislation at many levels. She encouraged changing the  
104 wording to “dangerous” dogs instead of “vicious” dogs because, like a dangerous driver, a  
105 dangerous dog is one that is out of control. This language puts the onus on the dog’s  
106 owner. She said dog owners should know how to control their dogs but many rescue  
107 animals are dangerous. She left the board members information about dangerous dog  
108 laws and state statutes.
  - 109 • **Sandra Farrell**, from Hinesburg, spoke about her experience with Greyhound Rescue of  
110 Vermont’s adoptions. She stressed that many rescue groups do not know the dogs they  
111 are giving homes to. She also stressed that people need to know their dogs and keep  
112 them away from potential incidents, because they are responsible for their dogs’ actions.
  - 113 • **Mitch Stern** played an audio clip of a dog barking. He said that this dog barks morning,  
114 noon and night because the owner does not walk the dog. He sees this as animal cruelty  
115 and said that dog problems are reflective of problems with people not being held  
116 accountable to acceptable behavior and courtesy. He expressed frustration with the way  
117 Essex is handling animal control of dogs.
  - 118 • **Gail Cummings** stated that she no longer feels safe walking her dogs on-leash in Essex  
119 because she is scared that she or her dog will be attacked. She feels she should have the  
120 right to feel safe walking with her dog.
  - 121 • **Lindsay Mucia** said she is involved with a dog rescue and shared a statistic that Vermont  
122 has one of the highest rates of dogs per person in the country. She said that currently  
123 anyone can operate a dog rescue, including individuals who have been convicted of  
124 animal cruelty. She wants any dog on a leash in Essex to be protected. She also  
125 encouraged the board members to include language about tethering. She provided them  
126 with information about anti-tethering laws aimed at curbing the rate of aggression in dogs.
  - 127 • **Bruce Griffin** expressed his frustration with the board members, remarking about his right  
128 to be able to walk on the street without dogs threatening him. He stated that it is a matter  
129 of right and wrong to do something about this issue.
  - 130 • **Holly Anagous** shared that her toy poodle, a 15-year-old beloved pet, was attacked and  
131 killed in 2015 by a dog who tore his throat open when he was outside on her lawn. She  
132 paid \$800 in vet bills and the other dog owner paid her \$150. She stressed that Essex’s  
133 animal control issue is causing a public safety issue for pets, and young children.
  - 134 • **Mary Post** has two small dogs that she keeps on leashes. She said she feels that she can  
135 no longer bring them to Indian Brook because dogs there run around without owners  
136 nearby. When dogs run up to her dogs and she is concerned she and her dogs may to get  
137 hurt.

- 138 • **Tamara Clark** expressed frustration and asked for help with knowing what to do when an  
139 aggressive dog threatens her dog in Essex.

140  
141 Ms. Haney, hearing no other comments from the community, reopened discussion with the  
142 board members. The Selectboard members and Trustees agreed that a discussion needs to  
143 be scheduled to decide how to address off-leashing at Indian Brook Reservoir. They talked  
144 about the possibilities of having only sections available for off-leashing in parks or limiting off-  
145 leashing to specific days or times. Ms. Cooper and Mr. Brown want to also understand more  
146 about anti-tethering laws and if this should be included in the ordinance. Ms. Haney pointed  
147 out that when a dog is killed by another dog, the fine is not commensurate to the damage and  
148 Chief Garey pointed out that there can also be civil recourse. Mr. Watts said that he sees  
149 these as Selectboard discussions that do not need to include the Trustees.  
150

151 b. **Discussion of funding sources for budgeted EJRP non-resident fee revenue—Sarah**  
152 **Macy**

153 Ms. Macy introduced the suggestion that the Selectboard approve the Town to offer \$3,000 to  
154 Essex Junction Recreation and Parks (EJRP) to offset the estimated non-resident fees that  
155 would have been paid from Town outside the Village residents to EJRP for programs that are  
156 not licensed childcare or pool programs in fiscal year 2020. With this \$3,000, Town outside  
157 the Village residents would be able to pay the resident rate for EJRP programs. Ms. Macy  
158 explained that the fee structures are challenging for staff and residents now that Essex Parks  
159 and Recreation (EPR) and EJRP are co-located and sharing a brochure. She explained that  
160 the \$3,000 estimate comes from the fact that over the last two years participants from the  
161 Town outside the Village have averaged 31% of the total non-resident fees. That would be  
162 \$6,200 in FY20 (31% of the \$20,000 total budget for non-resident fees). Of that 31%, licensed  
163 childcare and pool related fees make up 50% of the Town outside the Village non-resident  
164 fees.  
165

166 Mr. Tyler talked about how he sees this as a step toward the long-term vision endorsed when  
167 EJRP and EPR co-located and he supports the rationale for the funding. He, Mr. Kerin and  
168 Mr. Brown all talked about how strongly residents of Essex Junction feel about their rights to  
169 EJRP programs but they were glad to know this request did not include licensed childcare or  
170 the pool. Ms. Thibeault said she supports the unification efforts of EJRP and EPR, including  
171 this step. Mr. Chawla stated his concern that this decision is being made at the wrong time in  
172 the merger process. Mr. Brown talked about how this discussion of a fee-for-service construct  
173 does not fit into the reality of tax policies in place. He also expressed concern with  
174 dramatically changing course like this in such short period of time.  
175

176 Mr. Watts stated his opinion that this discussion does not need to include the Selectboard if  
177 the sense of the Trustees is to not move forward. Ms. Cooper said it is appropriate for the  
178 Selectboard to discuss a decision that involves EPR and their relationship with EJRP. Mr.  
179 Levy and Ms. Cooper discussed the decision in the context of supporting efficiencies in the  
180 daily operations of EJRP and EPR.  
181

182 Mr. Brown accepted a comment from the public.

183 • **Margaret Smith** said that residents from the Town outside the Village do not have equal  
184 access to EJRP childcare or summer programs and that this is a problem that needs to be  
185 addressed. Ms. Cooper said that licensed childcare is a year-round service and Ms.  
186 Haney explained that the Essex Junction residents pay for the program out of their taxes,  
187 so they have first access to these programs, and then, after this early registration, the  
188 residents from the Town outside the Village may register.

189 Ms. Macy said that the \$3,000 could come from the actual miscellaneous revenue budget,  
190 which has a recent track record of being over-budgeted or existing fund balance which reflects  
191 existing tax revenue collected. She discussed the savings related to the efficiencies in EPR  
192 and EJRP co-location.  
193

194 **GEORGE TYLER** made a motion, and **DAN KERIN** seconded, that the Village of Essex  
195 Junction accept \$3,000 from the Town of Essex to cover the estimated non-resident fees  
196 that would have been paid from Town outside the Village people to EJRP, so that Town  
197 outside the Village people will be treated as residents for EJRP programs, except licensed  
198 childcare and the Maple Street Pool. The motion passed 4-1, with Mr. Brown dissenting.  
199

200 **MAX LEVY** made a motion, seconded by **PATRICK MURRAY**, that the Town of Essex pay  
201 the Village of Essex Junction \$3,000 to cover the estimated non-resident fees that would  
202 have been paid from Town outside the Village people to EJRP, so that Town outside the  
203 Village people can pay the resident rate for EJRP programs, except for licensed childcare  
204 and the Maple Street Pool.  
205

206 In further discussion, Mr. Watts made an amendment for the motion to include where the  
207 funds will be transferred from in the budget. He suggested that the funds come out of the  
208 approved EPR budget.  
209

210 **ANDY WATTS** proposed an amendment to the motion, accepted by **MAX LEVY**, to add the  
211 words “out of the Essex Parks and Rec budget” to the motion.  
212

213 **AMENDED MOTION** that the Town of Essex pay the Village of Essex Junction \$3,000, out  
214 of the Essex Parks and Rec budget, to cover the estimated non-resident fees that would  
215 have been paid from Town outside the Village people to EJRP, so that Town outside the  
216 Village people can pay the resident rate for EJRP programs, except for licensed childcare  
217 and the Maple Street Pool. The motion passed 5-0.  
218

219 c. **Adopt tax rates for FY20 (Village of Essex Junction)—Sarah Macy**

220 Ms. Macy explained that the Village tax rate of \$0.3206 is higher than estimated at the time of  
221 the budget. At budget time the grand list was estimated to grow at 1% but only grew at 0.3%.  
222 In order to raise the taxes necessary for the General Fund budget, an increase of 3.5% in the  
223 tax rate needs to be applied. The Trustees had no questions on this item.  
224

225 **GEORGE TYLER** made a motion, and **AMBER THIBEAULT** seconded, that the Trustees set  
226 the FY20 Village General tax rate at \$0.3206 per \$100 of assessed property value. The  
227 motion passed 5-0.  
228

229 d. **Adopt tax rates for FY20 (Town of Essex)—Sarah Macy**

230 Ms. Macy explained that the Town tax rate in the general fund for 2020 is higher than  
231 originally estimated as a result of the increase to the budget at Town Meeting of \$100,000  
232 from the floor. In order to raise the taxes necessary for the General Fund budget an increase  
233 of 2.74% needs to be applied to the Town General tax rate.  
234

235 Mr. Watts suggested that funds designated in previous years for future tax reduction be  
236 applied to offset the tax rate increase to the FY20 budget. He proposed that the \$18,721 in  
237 this fund be used to alleviate the tax burden on residents. Mr. Teich stated that using these  
238 funds in this manner is not a best practice and suggested they be applied to capital expenses.

239 Ms. Macy stressed the importance of not applying these funds in this manner because it  
240 complicates future tax years. She suggested keeping the funds to use when consolidation tax  
241 equity is being more thoroughly discussed.  
242

243 **MAX LEVY made a motion, and PATRICK MURRAY seconded, that the Selectboard set the**  
244 **tax rates for fiscal year ending June 30, 2020 as follows:**

245	Town General Tax Rate	0.5067
246	Local Agreement Rate	0.0019
247	Town Capital Tax	<u>0.0200</u>
248	<b>Total Municipal Rate Paid by all Village</b>	<b>0.5286</b>
249	Town Highway Tax Rate	<u>0.0110</u>
250	<b>Town Municipal Tax Rate Paid by Town Outside the Village</b>	<b>0.5396</b>

251 **ANDY WATTS made a motion to amend the motion, which was not seconded, to increase**  
252 **the amount of revenue against the tax rate by \$18,721 out of the fund balance that has**  
253 **been designated for that purpose. With no second, no vote was needed for this motion.**  
254

255 **The original motion passed 4-1, with dissenting vote by ANDY WATTS.**  
256

257 e. **Update from Governance Subcommittee—George Tyler**

258 Mr. Tyler made note of the recent survey results for the board members to review. He  
259 suggested that a discussion with Dave Treston of KSV about the survey be scheduled for a  
260 future joint meeting. He said that many respondents seem to have a significant  
261 misunderstanding of how taxes are determined, which provides an important place to start  
262 with public discussions. Mr. Tyler explained that questions for the focus groups are being  
263 developed and a screener to choose people for these groups is now live. He noted that the  
264 informational website for the consolidation effort is coming together well. The next meeting of  
265 the Governance Subcommittee is Friday July 26, at 8 a.m. Ms. Cooper agreed with Mr. Tyler  
266 that clearing confusion about taxes will be good for the community.  
267

268 **6. READING FILE**

269 a. **Board Member Comments**

- 270 • Ms. Haney opened the floor to public comment:

271 **Bruce Post** , a former member of the Selectboard, stated that he was rejected from  
272 participating in the focus groups by a screening tool that did not choose him due to his  
273 previous service as a Selectboard member. He said this is a discriminatory practice  
274 because he is an upstanding citizen whose knowledge and insights could be very valuable

275 in the process. He also expressed concern that the t-shirts worn at the strategic advance  
276 appeared to be a promotional item that should not have been included in this process. He  
277 submitted a request for public documents and information on the t-shirts.

278 Ms. Haney explained that Governance Committee meeting audience members had  
279 expressed concern that including elected officials in the focus groups may skew the  
280 answers and that these groups should be opportunities for people who may have not yet  
281 been engaged in civic experiences such as these. Regarding the t-shirts, she explained  
282 that these were printed to encourage a team feel for the Strategic Advance day.

283 b. **Presentation of Essex Police Recruitment video—Chief Garey**

284 Ms. Haney invited Chief Garey to present the new Essex Police recruitment video.

285 c. **Governance Change (Merger) Vote 2020—Project Timeline**

286 d. **Definitions for common language of consolidation**

287 e. **Memo from Ann Janda re: Summary of Strategic Advance—Broad Themes**

288 f. **Discussion of revised schedule for board meetings—Greg Duggan**

- 289 • Mr. Murray pointed out that holding joint meetings on first and third Tuesdays would
- 290 conflict with his School Board meetings and he works Wednesday and Thursday
- 291 evenings. Mr. Duggan requested that the board members present days that they are
- 292 available or unavailable for these meetings in order to inform this schedule.

293 g. **KSV presentation of July 2019 Essex Resident Survey Findings**

294  
295 **7. EXECUTIVE SESSION**

296 No Executive Session was required or held

297

298 **8. ADJOURN**

299

300 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, for the Trustees to adjourn**  
301 **the meeting. The motion passed 5-0 at 9:51 p.m.**

302

303 **MAX LEVY made a motion, seconded by PATRICK MURRAY, for the Selectboard to**  
304 **adjourn the meeting. The motion passed 5-0 at 9:51 p.m.**

305

306

307 Respectfully Submitted,  
308 Cathy Ainsworth Recording Secretary

309

310 Approved this 5<sup>th</sup> day of  
311 August, 2019

312

313 (See minutes of this day for corrections, if  
314 any)

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316   
317

318 Patrick Murray, Clerk, Selectboard

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320